

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DATE 5/28/21

TERRI SIMMONS,
Plaintiff,

v.

CITY OF MOUNT VERNON; COUNTY OF
PUTNAM; NICOLE MURPHY; in her official
and individual capacities; PENNY BECKMAN,
in her official and individual capacities;
PUTNAM/NORTHERN WESTCHESTER
BOARD OF COOPERATIVE EDUCATIONAL
SERVICES; and MOUNT VERNON CITY
SCHOOL DISTRICT,

Defendants.

ORDER

19 CV 10388 (VB)

Copies Mailed/Faxed
Chambers of Vincent L. Briccetti
5/28/21

On May 5, 2021, plaintiff, who is proceeding pro se and in forma pauperis, filed a motion for appointment of pro bono counsel to assist her in responding to defendants' motion to dismiss the amended complaint ("AC"). On May 6, 2021, plaintiff responded pro se to defendants' motion to dismiss the AC. Accordingly, on May 12, 2021, the Court denied plaintiff's request as moot. (Doc. #27).

By declaration dated May 26, 2021, plaintiff requests the Court reconsider its May 12, 2021, Order denying her motion for appointment of pro bono counsel to assist her in responding to defendants' motion to dismiss the AC. (Doc. #50).

As an initial matter, defendants' motion to dismiss the AC is fully briefed. Because the Court does not intend to reopen briefing on defendants' motion, plaintiff's request is moot.

In addition, the Court has considered the type and complexity of this case, the merits of plaintiff's claims, and plaintiff's ability to present the case. At this time, the Court does not find any exceptional circumstances in plaintiff's case that would warrant the appointment of counsel to assist her in responding to defendants' motion to dismiss the AC. See 28 U.S.C. § 1915(e)(1); Cooper v. A. Sargent Co., 877 F.2d 170, 172 (2d Cir. 1989).

Finally, as the Court stated in its May 12, 2021, Order, it will consider plaintiff's request for the appointment of pro bono counsel to assist her more generally in this action after it decides defendants' motion to dismiss the AC. In other words, it will take into consideration plaintiff's request and circumstances when it rules on the merits of defendants' motion.

Accordingly, plaintiff's request for reconsideration of the May 12, 2021, Order is DENIED.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purposes of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: May 28, 2021
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge